

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

DEAN GORDON LYBERG,
Debtor.

Case No.: 14-60010
Chapter 7

NOTICE OF HEARING AND MOTION

TO: The United States Bankruptcy Court, the United States Trustee, the Debtor, and all parties who requested notice under Bankruptcy Rule 2002.

1. David G. Velde, Trustee, moves the court for the relief requested below and gives notice of hearing.
2. The court will hold a hearing on this motion on October 28, 2014, at 2:00 p.m., in U.S. Bankruptcy Court, Courtroom 2, 2nd Floor, 118 South Mill Street, Fergus Falls, Minnesota, or as soon thereafter as counsel can be heard.
3. Any response to this motion must be filed and delivered not later than October 23, 2014, which is five (5) days before the hearing. UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.
4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334. This motion arises under Rule 7037, Fed. R. Bankr. P., and under Local Rules 7007-1, 9013-1, 9013-2, 9006-1 and 9017-1 of the United States Bankruptcy Court for the District of Minnesota. This is a core proceeding.
5. The petition commencing this chapter 7 case was filed on January 12, 2014. The case is now pending in this court.
6. Movant seeks an order of the Court adjudging the Debtor, Dean Gordon Lyberg, to be in contempt of Court for failure to comply with the Order for turnover docketed July 30, 2014, as Document No. 21. Movant further seeks an order for the debtor's incarceration

until such time that he complies with the order for turnover.

7. Pursuant to 11 U.S.C. §521(3)(4), the Debtor is required, among other things, to cooperate with the Trustee as necessary to enable the Trustee to perform the Trustee's duties, and to surrender to the Trustee all property of the estate and any recorded information including books, documents, records, and papers relating to property of the estate. Bankruptcy Rule 4002(4) also requires the Debtor to cooperate in the administration of the estate. The Debtor has not complied with his obligation in this matter. Under 11 U.S.C. §105(a) the court may issue any order that is necessary or appropriate to carry out the provisions of Title 11.

Wherefore, David G. Velde moves the court for an order of the court:

1. Holding the Debtor in contempt for failing to comply with the court's Order for turnover which was docketed July 30, 2014 (docket entry no. 21).
2. Ordering the incarceration of the Debtor until such time as he complies with the order for turnover.
3. For such further relief as the court deems just and equitable.

VELDE MOORE, LTD.

Dated: September 12, 2014.

/e/ Logan Moore
Attorney for Trustee
1118 Broadway
Alexandria, MN 56308
(320) 763-6561
Atty. Reg No. 132803

Verification. I, David G. Velde, the moving party named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on September 12, 2014.

Signed: /e/ David G. Velde
David G. Velde, Trustee
1118 Broadway
Alexandria, MN 56308
(320) 763-6561

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

DEAN GORDON LYBERG,
Debtor.

Case No.: 12-60743
Chapter 7

ORDER

This matter came before the court upon the motion of David G. Velde, Trustee, seeking an order for contempt and incarceration. Based upon the record arising from said motion,

IT IS ORDERED THAT:

1. The Debtor is in contempt for failing to comply with this Court's Order entered July 30, 2014, Document No. 21, compelling turnover of specific items to the Trustee;
2. The U.S. Marshal or any Authorized United States Officer is commanded to arrest DEAN GORDON LYBERG and place him in confinement under the jurisdiction of the United States;
3. The Debtor may purge himself of contempt by providing the information and documentation described in the Court's Order of July 30, 2014, to the Trustee;
4. The Debtor shall be entitled to request a release from jail at such time as he can establish that he has complied with all the terms of this Order.

Dated:

Judge Michael E. Ridgway
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In RE:

DEAN GORDON LYBERG,

Debtor.

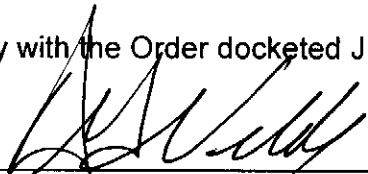
Case No.: 12-60743
Chapter 7

AFFIDAVIT

STATE OF MINNESOTA)
) ss.
COUNTY OF DOUGLAS)

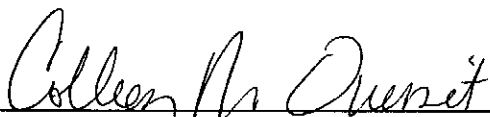
David G. Velde, Trustee, being first duly sworn on oath, deposes and states:

1. That on July 30, 2014, the Order compelling turnover by the Debtor to the Trustee was docketed in U.S. Bankruptcy Court as Document no. 21. The Order instructed the Debtor to turnover specific information and documentation to the Trustee, and to pay \$300.00 to the bankruptcy estate within seven (7) days from July 30, 2014.
2. That said Order was duly served upon the Debtor, Dean Gordon Lyberg, on August 5, 2014, by mailing to him a true and correct copy thereof at his last known address.
3. That the Debtor has failed to comply with the Order docketed July 30, 2014.

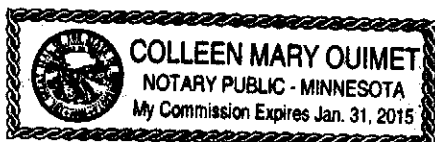


David G. Velde, Trustee

Subscribed and sworn to before me this
11th day of September, 2014.



Notary Public



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

DEAN GORDON LYBERG,

Debtor.

Case No.: 14-60010
Chapter 7

UNSWORN CERTIFICATE OF SERVICE

The undersigned, of the City of Alexandria, County of Douglas, in the State of Minnesota, states that on the 12th day of September, 2014, the attached Notice of Hearing and Motion, proposed order and Affidavit were filed with the U.S. Bankruptcy Court and served as follows:

The following parties were served by U.S. Mail, by enclosing a true and correct copy thereof in an envelope addressed as follows, with first class postage prepaid, and depositing the same in the post office at Alexandria, Minnesota:

Mr. Dean G. Lyberg
110 5th Street West
Lancaster, MN 56715

All parties receiving electronic notice were served by the court's noticing center upon the filing of the document.

/e/ Colleen Ouimet

Mr. Dean G. Lyberg
110 5th Street West
Lancaster, MN 56715